



STATE OF CONNECTICUT • COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

55 MAIN STREET • P.O. BOX 187
ELLINGTON, CONNECTICUT 06029-0187

CHARTER REVISION COMMISSION

MEETING MINUTES

FEBRUARY 28, 2006

MEMBERS PRESENT: Tim Olmsted, John O'Shaughnessy, Gary Riley, Terry Shook and Joe Wehr

MEMBERS ABSENT: Charlotte Murphy

OTHERS PRESENT: Tony Littizzio and John Whidden

1. CALL TO ORDER:

MOVED (O'SHAUGHNESSY), SECONDED (SHOOK) AND PASSED UNANIMOUSLY TO OPEN THE MEETING OF THE CHARTER REVISION COMMISSION (CRC) AT 7:07 P.M. IN THE TOWN HALL, 55 MAIN STREET, ELLINGTON, CT.

2. CITIZENS FORUM:

John Whidden, 27 Wells Road, came forward and read the **attached** statement regarding the proposal to consider Town-wide share services, in particular the maintenance of school buildings by the Town.

Chairman Wehr thanked Mr. Whidden for his input and noted that the CRC will work together with open minds when researching this issue.

Tony Littizzio reference a landmark court case; Board of Education vs Town of Ellington. Mr. Littizzio stated that the Board of Education works with the Town now with bids for supplies. He noted that currently the Board of Education does the payroll for over 400 employees in-house vs the Town contracting with ADP.

Chairman Wehr stated that Tom Neeson submitted his resignation and welcomed Gary Riley as a new member of the CRC.

3. APPROVAL OF MINUTES:

- a. January 24, 2006 Regular Meeting

MOVED (SHOOK), SECONDED (O'SHAUGHNESSY) AND PASSED UNANIMOUSLY TO APPROVE THE REGULAR MEETING MINUTES OF JANUARY 24, 2006.

- b. January 24, 2006 Public Hearing

MOVED (O'SHAUGHNESSY), SECONDED (SHOOK) AND PASSED UNANIMOUSLY TO APPROVE THE PUBLIC HEARING MINUTES OF JANUARY 24, 2006.

4. CONSIDER CHANGES TO TOWN CHARTER

a. Finalize Minor Changes Already Discussed

SECTIONS 504 – GENERAL POWERS AND DUTIES and 1006 – DUTIES OF THE TOWN MEETING ON THE BUDGET. Chairman Wehr distributed copies of these sections reflecting the previously agreed to changes (attached).

SECTION 808 – PUBLIC SAFETY COMMISSION. The members discussed removing this section from the Charter. Mr. Olmsted suggested replacing it with a Homeland Security Agency, which would coordinate with the Emergency Management Director and ensure compliance with Federal standards. Mr. Olmstead will research this issue and report back at the next meeting. Mr. Littizzio suggested giving this responsibility to the First Selectman.

SECTIONS 918 – FIRE DEPARTMENTS & 920 – AMBULANCE SERVICES. Mr. Shook suggested expanding the emergency services sections to include contract requirements to cover potential legalities and liability. He noted that the law requires the Town to provide emergency service; however, the volunteer is not required to provide the service. A contract would spell out the responsibility of both. Mr. Shook and Mr. O'Shaughnessy will provide draft language for the Fire Departments and the Ambulance Corps sections to include a contract, spelling out services provided, and to formalize duties/responsibilities.

SECTION 817 – BOARD OF ASSESSMENT APPEALS. Mr. O'Shaughnessy suggested rearranging the wording in this section. The members discussed adding 2 alternate members to the Board of Assessment Appeals. Mr. Riley will look at the make-up of other Boards with alternate positions to assist the CRC in deciding how many alternate members should be added.

SECTION 802 - The CRC agreed to add the following as the last sentence of this section:
"Non-resident, full or part-time employees of the Town or any agency of the Town or any consultant to the Town may serve on any Ad-Hoc Board or Committee of the Town."

The CRC discussed adding an Ethic Commission to the Charter. Mr. Olmsted will research this item and report back next meeting.

The CRC discussed dividing the budget for separate vote on the General Government and Board of Education sections. Mr. Littizzio felt that this would divide and fragment the Town. After further discussion, the CRC decided not to consider this issue as a Charter change.

b. Form of Town Government

Mr. Shook stated that comments at the Public Hearing indicated that a Mayor/Town Council/Town Administrator form of government is favored and will provide professionalism and continuity. Mr. Shook, Ms. Murphy and Mr. Riley will research this issue and report back to the commission.

c. Town-wide Shared Services, including building Maintenance and Finance

Chairman Wehr stated that he met with several Town officials regarding this issue and has requested information from the Connecticut Conference of Municipalities (CCM). He noted that the CRC will have to address the transition/implementation of such a concept.

d. Other Changes

The CRC acknowledged receipt of a letter from a resident requesting the CRC consider adding a noise ordinance in the Charter. The CRC agreed that it is not appropriate to include a noise ordinance in the Charter and will refer the matter to the Board of Selectmen.

MOVED (OLMSTEAD), SECONDED (O'SHAUGHNESSY) AND PASSED UNANIMOUSLY TO ADD ELECTION OF VICE CHAIRMAN TO THE AGENDA.

5. ELECTION OF VICE CHAIRMAN

MOVED (O'SHAUGHNESSY), SECONDED (OLMSTEAD) AND PASSED UNANIMOUSLY TO ELECT TERRY SHOOK AS VICE CHAIRMAN OF THE CRC.

The CRC will cancel their March 28, 2006 Regular Meeting and schedule a Special Meeting for April 6, 2006 at 7:00 p.m.

6. ADJOURNMENT

MOVED (SHOOK), SECONDED (O'SHAUGHNESSY) AND PASSED UNANIMOUSLY TO ADJOURN THIS MEETING AT 9:10 PM.

Respectfully submitted,



Marie Sauve
Recording Secretary

Hi - My name is John Whidden of 27 Wells Rd. I am a taxpayer, a resident for 35+ years, and was on the Board of Education in the late 80's. I was also Chairman of the BOE Operations Committee which oversaw the maintenance of the schools. I can't believe that you are considering putting in the Charter that the town takes over responsibility for maintaining the schools. In fact, I would suggest that the town give responsibility for all school projects (even Capital Projects) back to the schools.

In 1989, we handled our own Asbestos removal capital improvement projects of 1.8 million dollars which was budgeted by the experts. The BOE Operations Committee was designated as the building committee for those projects. Windermere School in fact was the largest Asbestos removal project in the state in 1989. We had to gut the school by removing every single thing out of the school, having the asbestos removed, and replacing everything in two months during the summer. If you've ever been into that school, or a classroom in that school, you would see that it was an amazing task. We did it on time and returned \$200,000.00 back to the town. We even got new lights for nothing because we negotiated with the contractor over a problem and we didn't spend a dime on litigation or attorney fees. We didn't pay \$75 an hour for a consultant because we had the Business Director of the schools manage the project. He knew the schools and all the resources available at the schools' disposal in order to get the job done successfully. He kept us up to date on the progress and all expenditures every step of the way. It was a total success unlike other recent town controlled school projects that needed more money and are still being litigated, audited, and worked on at a substantial cost to taxpayers.

Also as a former Operations Committee Chairman I can tell you that the BOE always kept the schools up. You can't get boilers to be 50 years old without keeping them up! We changed air filters twice a year faithfully, we pumped septic tanks every year, and we cleaned and oiled air handlers and pumps yearly. I challenge the town to produce records showing the same level of maintenance on their buildings. Yet you are looking at the town to take over the buildings that the BOE is responsible for. The only way money would be saved is by cutting back on preventive maintenance or needed repairs which are something the BOE never did. The town would be able to do that without the BOE ever knowing until it was too late. (I won't go into that until a full town meeting if need be)

based on such study to the town; shall adopt and implement an indoor air quality program that provides for ongoing maintenance and facility reviews necessary for the maintenance and improvement of the indoor air quality of its facilities; shall report annually to the Commissioner of Education on the condition of its facilities and the action taken to implement its long-term school building program and indoor air quality program, which report the Commissioner of Education shall use to prepare an annual report that said commissioner shall submit in accordance with section 11-4a to the joint standing committee of the General Assembly having cognizance of matters relating to education; shall advise the Commissioner of Education of the relationship between any individual school building project pursuant to chapter 173 and such long-term school building program; shall have the care, maintenance and operation of buildings, lands, apparatus and other property used for school purposes and at all times shall insure all such buildings and all capital equipment contained therein against loss in an amount not less than eighty per cent of replacement cost; shall determine the number, age and qualifications of the pupils to be admitted into each school; shall develop and implement a written plan for minority staff recruitment for purposes of subdivision (3) of section 10-4a; shall employ and dismiss the teachers of the schools of such district subject to the provisions of sections 10-151 and 10-158a; shall designate the schools which shall be attended by the various children within the school district; shall make such provisions as will enable each child of school age, residing in the district to attend some public day school for the period required by law and provide for the transportation of children wherever transportation is reasonable and desirable, and for such purpose may make contracts covering periods of not more than five years; may place in an alternative school program or other suitable educational program a pupil enrolling in school who is nineteen years of age or older and cannot acquire a sufficient number of credits for graduation by age twenty-one; may arrange with the board of education of an adjacent town for the instruction therein of such children as can attend school in such adjacent town more conveniently; shall cause each child five years of age and over and under eighteen years of age who is not a high school graduate and is living in the school district to attend school in accordance with the provisions of section 10-184, and shall perform all acts required of it by the town or necessary to carry into effect the powers and duties imposed by law.

the Board of Selectmen to serve as secretary of said board. Said secretary shall keep a public record of all proceedings of the Board of Selectmen, including all roll call votes, which shall be the official record of its proceedings. The record so kept shall be authenticated for each meeting by the signature of either the First Selectman or the Deputy First Selectman and said public record shall be kept in the office of the Board of Selectmen. The Board of Selectmen shall appoint an Auditing Committee consisting of not less than three (3) of their members whose duty it shall be to oversee and review all claims and charges against the town except those incurred by the Board of Education.

SECTION 504. GENERAL POWERS AND DUTIES

Except as otherwise specifically provided in this charter, the Board of Selectmen shall have the powers and duties conferred by the constitution and general laws of the state. The Board of Selectmen shall determine and set all

Comment: 11/28/05 CRC Meeting

policies of the operation of the Town not specifically granted to another Board or Commission by statute or this charter and shall develop and shall annually review and modify as needed, goals to be accomplished over the next five (5)

years. The Board of Selectmen may recommend to the town meeting the creation, consolidation or abolition of boards, commissions, departments, and offices and may recommend to a special town meeting the adoption of a proposed ordinance or the repeal of an existing ordinance. The Board of Selectmen may appoint, by resolution, special and temporary boards, commissions and committees as it may deem necessary and appropriate; said special and temporary boards, commissions and committees shall terminate not later than one (1) year after their creation. Except as otherwise provided in this charter, the Board of Selectmen may contract for services (Section 7-194 of the General Statutes, as amended) . Said Board of Selectmen may regulate the internal operation of boards, commissions, and offices which it fills by appointment, provided such regulatory resolutions are in accordance with the state statutes, including prescribing the manner in which minutes are filed, and notices of meetings and agendas are published. Said Board of Selectmen may fix the charges to be made for services rendered by the town. Said Board of Selectmen shall make all rules and regulations relating to purchasing and bidding procedures. Said Board of Selectmen shall present to the Board of Finance a program concerning municipal improvements of proposed capital projects for the ensuing fiscal year and for five (5) fiscal years thereafter. Estimates of the costs of such projects shall be submitted to the Board of Selectmen by each department, office and agency annually by December 1, in the manner prescribed by the Board of Selectmen. No later than the last Tuesday in February in each year, the Board of Selectmen shall recommend at a Board of Finance Meeting those projects to be undertaken during the ensuing fiscal year and a method of financing the same. The Board of Selectmen shall have the authority to accept, on behalf of the town, deeds conveying to the town interests in real estate for which the town pays consideration less than \$20,000.00, deeds for roads which have been approved by the Planning and Zoning Commission as part of a subdivision plan, and may accept and grant deeds for the purpose of establishing accurate road boundary lines or for the realignment of existing town roads. [AMENDED 11/5/02]

SECTION 505. PUBLIC HEARING ON AND PUBLICATION OF ORDINANCES

Except as otherwise specifically provided in this charter, no ordinance shall be acted upon by the Board of Selectmen pursuant to the provisions of this chapter, or by the town meeting pursuant to the provisions of Chapter VI of this charter, until and unless one public hearing on such ordinance shall have

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deemed to be the budget-making authority and shall have all the powers and duties contained in said Chapter 108 for the creation of a "Reserve Fund for Capital and Non-recurring Expenditures." [AMENDED 11/5/02]

SECTION 1005. DUTIES OF THE BOARD OF FINANCE

(a) In addition to the duties prescribed in Section 1004 of this charter, the Board of Finance shall have the power to select the independent public accountant who shall conduct an audit of the records and accounts of the town, including the Board of Education, as provided in Chapter 111 of the General Statutes, as amended. Said audit shall be completed on or before the thirtieth day of September following the close of the fiscal year. The Board of Finance shall also have the power to initiate and appropriate funds for special inquiries by said independent auditors of financial situations that, in the opinion of the Board of Finance, warrant the interim audit and/or gathering of specific information on any accounts, investments or funds operating under the control of employees, boards or agents of the Town of Ellington.

(b) The Board of Finance shall, with the assistance of the Finance Officer, prepare and publish the annual town report. Said report shall be available for distribution as soon as possible after the close of the fiscal year, but not later than the thirty-first day of October following the close of said fiscal year.

(c) Upon recommendation of the Board of Selectmen and the Board of Finance and approval by the annual town budget meeting, a reserve fund established for capital and non-recurring expenses shall be established in accordance with the General Statutes as amended. All or a portion of said fund may be used to finance planning, construction or acquisition of any specific item or equipment. Any appropriation from this fund must be for a specific sum plainly designated for each project and must be recommended by the Board of Finance and submitted to the vote of a duly called town meeting.

SECTION 1006. DUTIES OF THE TOWN MEETING ON THE BUDGET

The annual budget shall become effective only after it has been approved by resolution of the Board of Finance, and adopted at the annual town budget meeting by a majority vote of the qualified voters present and voting at such meeting. The annual town budget meeting may reduce or reject the budget or any portion thereof, but shall not increase the budget or any portion thereof, as approved by the Board of Finance. Should the annual town budget meeting fail to adopt the budget, the meeting shall be adjourned to the following Tuesday and thence to the next Tuesday thereafter until final approval is given. Any budget which has been rejected by the annual town budget meeting or overruled by referendum in accordance with Chapter VI of this charter shall be considered in the interim by the Board of Finance, which may revise the rejected budget and shall present it at a subsequent annual budget town meeting for acceptance. If the budget remains unaccepted after such reconsideration meeting, the budget adopted for the then current fiscal year shall be deemed to be the temporary budget for the forthcoming fiscal year and expenditures may be made on a month-to-month basis in accordance therewith until such time as the annual town budget meeting finally adopts a new budget.

Comment: 10/24/05 CRC Meeting

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